IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Bail Appl..No. 3667 of 2007()

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[CRIME NO.207/07 OF BEKAL POLICE STATION]

: PETITIONER/ACCUSED

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K.V.ABDUL RASHEED @ RASHEED,
AGED 20 YEARS, S/O.K.V.MUHAMMED KUNHI,
KUNIYA HOUSE, PERIYA, HOSDURG TALUK,
KASARAGOD.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS: COMPLAINANT & STATE

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1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. STATION HOUSE OFFICER, BEKAL POLICE
STATION.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J.**

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B.A.No. 3667 of 2007

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Dated this the 19th day of June 2007

**O R D E R**

Application for anticipatory bail. The petitioner is the 10th accused. Altogether there are thirty accused persons. There are four injured; one with fracture. Damage is caused to the property also. It was a violent conflict between two fractions of the Muslim community. The petitioner faces allegations inter alia under Sections 326 and 308 read with 149 I.P.C. Investigation is in progress. The petitioner allegedly a student apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He has been unnecessarily arrayed as an accused. He may be granted anticipatory bail, it is prayed. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the petitioner is named in the prompt F.I.R and in these circumstances, there is no merit in the prayer at present that the petitioner is innocent. I have considered all the relevant inputs. I shall not hazard any

opinion on the disputed questions of fact at this early stage. Suffice it to say that on an anxious consideration of all the relevant inputs, I am not persuaded to agree that this is a fit case where directions under Section 438 Cr.P.C can or ought to be issued. This, I am satisfied, is a fit case where the petitioner must appear before the learned Magistrate or police. He must then seek bail in the ordinary course. I have no reason to assume that the learned Magistrate would not consider his application for regular bail on merits, in accordance with law and expeditiously. Every court must do the same even without any specific directions from this court.

3. In the result, this bail application is dismissed with the above observations.

**(R.BASANT, JUDGE)**

jsr

// True Copy// PA to Judge

**R.BASANT, J.**

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007